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Sub. S. B. No. 135

Senator Cirino

**Cosponsors: Senators Antani, Blessing, Brenner, Hoagland, Huffman, M.,
Huffman, S., Johnson, McColley, Roegner, Romanchuk, Schaffer, Thomas, Yuko**

A BILL

To amend sections 9.76, 1715.51, 1715.53, 1
3313.6020, 3314.03, 3326.11, 3328.24, 3333.04, 2
3333.051, 3333.122, 3345.0212, 3345.21, 3
3345.481, 3354.01, 3357.09, and 3358.01 and to 4
enact sections 1715.551, 3320.04, 3333.0418, 5
3333.0419, 3333.073, 3333.125, 3333.126, 6
3333.168, 3345.024, 3345.027, 3345.028, 7
3345.0215, 3345.063, 3345.241, 3345.381, 8
3345.461, 3345.52, and 3365.16 of the Revised 9
Code regarding the operation of state 10
institutions of higher education and regarding 11
free speech in public universities, colleges, 12
and schools. 13

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

Section 1. That sections 9.76, 1715.51, 1715.53, 14
3313.6020, 3314.03, 3326.11, 3328.24, 3333.04, 3333.051, 15
3333.122, 3345.0212, 3345.21, 3345.481, 3354.01, 3357.09, and 16
3358.01 be amended and sections 1715.551, 3320.04, 3333.0418, 17
3333.0419, 3333.073, 3333.125, 3333.126, 3333.168, 3345.024, 18

3345.027, 3345.028, 3345.0215, 3345.063, 3345.241, 3345.381, 19
3345.461, 3345.52, and 3365.16 of the Revised Code be enacted to 20
read as follows: 21

Sec. 9.76. (A) As used in this section: 22

(1) "Boycott" means engaging in refusals to deal, 23
terminating business activities, or other actions that are 24
intended to limit commercial relations with persons or entities 25
in a discriminatory manner. "Boycott" does not include: 26

(a) Boycotts to which 50 U.S.C. 4607(c) applies; 27

(b) A decision based on business or economic reasons, or 28
the specific conduct of a targeted person or entity; 29

(c) A boycott against a public entity of a foreign state 30
when the boycott is applied in a nondiscriminatory manner; and 31

(d) Conduct necessary to comply with applicable law in the 32
business's home jurisdiction. 33

(2) "Company" means a sole proprietorship, partnership, 34
corporation, national association, societe anonyme, limited 35
liability company, limited partnership, limited liability 36
partnership, joint venture, or other business organization, 37
including their subsidiaries and affiliates, that operates to 38
earn a profit. 39

(3) "Israel" means Israel or Israeli-controlled 40
territories. 41

(4) "Jurisdiction with whom this state can enjoy open 42
trade" means any world trade organization member and any 43
jurisdiction with which the United States has free trade or 44
other agreements aimed at ensuring open and nondiscriminatory 45
trade relations. 46

(5) "State agency" means an organized body, office, 47
agency, institution, or other entity established by the laws of 48
the state for the exercise of a function of state government, 49
and includes a "state institution of higher education" as 50
defined in section 3345.011 of the Revised Code. 51

(B) A state agency may not enter into or renew a contract 52
with a company for the acquisition or provision of supplies, 53
equipment, or services, or for construction services, unless the 54
contract declares that the company is not boycotting any 55
jurisdiction with whom this state can enjoy open trade, 56
including Israel, and will not do so during the contract period. 57

Sec. 1715.51. As used in sections 1715.51 to 1715.59 of 58
the Revised Code: 59

(A) "Charitable purpose" means any purpose the achievement 60
of which is beneficial to the community, including the relief of 61
poverty, the advancement of education or religion, the promotion 62
of health, and the promotion of a governmental purpose. 63

(B) "Institution" means any of the following: 64

(1) A person, other than an individual, organized and 65
operated exclusively for charitable purposes; 66

(2) A governmental organization to the extent that it 67
holds funds exclusively for a charitable purpose; 68

(3) A trust that had both charitable and noncharitable 69
interests and the noncharitable interests have terminated. 70

(C) "Institutional fund" means a fund that is held by an 71
institution exclusively for charitable purposes. "Institutional 72
fund" does not include any of the following: 73

(1) Program-related assets; 74

(2) A fund held for an institution by a trustee that is not an institution;

(3) A fund in which a beneficiary that is not an institution has an interest other than an interest that may arise upon a violation of or the failure of the purposes of the fund.

(D) "Endowment agreement" means a gift instrument, signed by a person and an institution, under which the person commits to transfer property to that or another institution and the institution commits that it or another institution will hold or administer the property as an endowment fund, subject to any restrictions on management, investment, or purpose contained in the endowment agreement.

(E) "Endowment fund" means an institutional fund or any part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment fund" does not include assets that an institution designates as an endowment fund for its own use.

~~(E)~~-(F) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

~~(F)~~-(G) (1) "Legal representative" means:

(a) The administrator or executor of a person's estate;

(b) A surviving spouse if a court judgment has settled the accounts of the estate; or

(c) A person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of

a party to the agreement for all matters expressed in the 103
agreement and all of the actions it contemplates, including 104
without limitation, interpreting, performing, and enforcing the 105
agreement and defending its validity. 106

(2) A legal representative is not the institution 107
receiving or administering property under the endowment 108
agreement. If a person who signed an endowment agreement has 109
more than one legal representative, the representative whose 110
authority most specifically applies to the endowment agreement 111
shall be the legal representative for purposes of this chapter. 112

(H) "Person" means an individual, corporation, business 113
trust, estate, trust, partnership, limited liability company, 114
association, joint venture, public corporation, governmental 115
organization, or any other legal or commercial entity. 116

~~(G)~~ (I) "Program-related asset" means an asset held by an 117
institution primarily to accomplish a charitable purpose of the 118
institution and not primarily for investment. 119

~~(H)~~ (J) "Record" means information that is inscribed on a 120
tangible medium or that is stored in an electronic or other 121
medium and is retrievable in perceivable form. 122

(K) "State institution of higher education" has the same 123
meaning as in section 3345.011 of the Revised Code. 124

Sec. 1715.53. (A) Subject to the intent of a donor 125
expressed in the gift instrument and to division (D) of this 126
section, an institution may appropriate for expenditure or 127
accumulate so much of an endowment fund as the institution 128
determines is prudent for the uses, benefits, purposes, and 129
duration for which an endowment fund is established. Unless 130
stated otherwise in the gift instrument, the assets in an 131

endowment fund are donor-restricted assets until appropriated	132
for expenditure by the institution. In making a determination to	133
appropriate or accumulate, the institution shall act in good	134
faith, with the care that an ordinarily prudent person in a like	135
position would exercise under similar circumstances, and shall	136
consider, if relevant, the following factors:	137
(1) The duration and preservation of the endowment fund;	138
(2) The purposes of the institution and the endowment	139
fund;	140
(3) General economic conditions;	141
(4) The possible effect of inflation or deflation;	142
(5) The expected total return from income and the	143
appreciation of investments;	144
(6) Other resources of the institution;	145
(7) The investment policy of the institution.	146
(B) To limit the authority to appropriate for expenditure	147
or accumulate under division (A) of this section, a gift	148
instrument shall specifically state the limitation.	149
(C) Terms in a gift instrument designating a gift as an	150
endowment, or a direction or authorization in the gift	151
instrument to use only "income," "interest," "dividends," or	152
"rents, issues, or profits" or "to preserve the principal	153
intact," or words of similar import, create an endowment fund of	154
permanent duration, unless other language in the gift instrument	155
limits the duration or purpose of the fund, and do not otherwise	156
limit the authority under division (A) of this section to	157
appropriate for expenditure or accumulate.	158

(D) (1) ~~The~~ Except for an endowment fund held by state 159
institutions of higher education, as described in division (E) 160
of this section, the appropriation for expenditure in any year 161
of an amount not greater than five per cent of the fair market 162
value of an endowment fund, whether or not the total expenditure 163
from it exceeds five per cent, calculated on the basis of market 164
values that are determined at least quarterly and averaged over 165
a period of not less than three years immediately preceding the 166
year in which the appropriation for expenditure was made, 167
creates an irrebuttable presumption of prudence. With respect to 168
an endowment fund in existence for fewer than three years, the 169
fair market value of the endowment fund shall be calculated for 170
the period the endowment fund has been in existence. 171

(2) Nothing in division (D) (1) of this section shall be 172
construed to restrict an appropriation for expenditure permitted 173
by the gift instrument or to create a presumption of imprudence 174
or prudence for that part, if any, of an appropriation for 175
expenditure that exceeds five per cent of the fair market value 176
of the endowment fund. 177

(E) (1) For an endowment fund held by a state institution 178
of higher education, the appropriation for expenditure in any 179
year of an amount greater than seven per cent of the fair market 180
value of an endowment fund calculated on the basis of market 181
values that are determined at least quarterly and averaged over 182
a period of not less than three years immediately preceding the 183
year in which the appropriation for expenditure was made, 184
creates a rebuttable presumption of imprudence. With respect to 185
an endowment fund in existence for fewer than three years, the 186
fair market value of the endowment fund shall be calculated for 187
the period the endowment fund has been in existence. 188

(2) Nothing in division (E) (1) of this section shall be 189
construed to create a presumption of prudence for an 190
appropriation for expenditure of an amount less than or equal to 191
seven per cent of the fair market value of the endowment fund. 192

Sec. 1715.551. (A) If a state institution of higher 193
education violates a restriction contained in an endowment 194
agreement on the management, investment, or purpose of the 195
endowment fund, the person who transferred property under the 196
agreement, or that person's legal representative, may notify the 197
charitable law section of the office of the attorney general of 198
the violation. 199

(B) (1) If, within one hundred eighty days after receiving 200
the notice, the attorney general has not obtained full 201
compliance with the restriction, and restitution to the 202
endowment fund of property approximately equal to any value lost 203
due to the violated restriction, the party who notified the 204
attorney general, or that party's legal representative, may file 205
a complaint: 206

(a) For breach of the endowment agreement; or 207

(b) To obtain a declaration of rights and duties expressed 208
in the agreement and as to all of the actions it contemplates, 209
including without limitation, the interpretation, performance, 210
and enforcement of the agreement and determination of its 211
validity. 212

(2) Both of the following apply to the complaint: 213

(a) It may be filed regardless of whether the agreement 214
expressly reserves a right to sue or enforce. 215

(b) It shall not seek a judgment awarding damages to the 216
plaintiff. 217

(C) The attorney general may enforce the interests of the 218
beneficiaries of an endowment agreement by filing a complaint 219
for breach or to obtain a declaration of rights and duties 220
expressed in the agreement and as to all of the actions it 221
contemplates, including without limitation, the interpretation, 222
performance, and enforcement of the agreement and determination 223
of its validity. 224

(D) A state institution of higher education may obtain a 225
judicial declaration of rights and duties expressed in an 226
endowment agreement and as to all of the actions it 227
contemplates, including without limitation, the interpretation, 228
performance, and enforcement of the agreement and determination 229
of its validity. The state institution of higher education shall 230
seek such declaration in any suit brought under this section or 231
by filing a complaint. 232

(E) Every complaint authorized by this section shall be 233
filed in a court of general jurisdiction in the county where a 234
state institution of higher education named as a party has its 235
principal office or principal place of carrying out its 236
charitable purpose, or in a court of the United States whose 237
district includes such county. Every such complaint shall: 238

(1) Name the attorney general as a party; 239

(2) Name as parties the state institution of higher 240
education that signed the agreement or its successor; and each 241
institution that currently administers property transferred 242
under the agreement; 243

(3) If the attorney general or state institution of higher 244
education files the complaint within fifty years after the 245
effective date of the endowment agreement, name as parties each 246

person who transferred property under the agreement or the legal 247
representative of each such person if the persons or legal 248
representatives can be located and identified after diligent 249
inquiry. 250

(F) The failure to name or join as a party a person who 251
transferred property under the endowment agreement, or that 252
person's legal representative, is not jurisdictional. The court, 253
however, shall not act on the merits of the complaint or on any 254
motion for an order to address its merits without first ensuring 255
that the plaintiff has acted diligently to notify such person or 256
legal representative of the complaint and, if the person or 257
legal representative is located and identified, affords such 258
person or legal representative an opportunity to be heard or to 259
intervene. 260

(G) The interest of a person who transferred property 261
under an endowment agreement, and the interest of that person's 262
legal representative, shall not be presumed to be identical with 263
the interest of either the attorney general or a state 264
institution of higher education. 265

(H) If the court determines that a state institution of 266
higher education violated a restriction in an endowment 267
agreement on the management, investment, or purpose of an 268
endowment fund, the court may order one or more of the following 269
remedies: 270

(1) An accounting; 271

(2) Declaratory relief; 272

(3) Restoration of property to the endowment fund; 273

(4) Restoration of a name required by the endowment 274
agreement, or a change to its name; 275

<u>(5) Future compliance with a restriction in the endowment agreement;</u>	276 277
<u>(6) Measures to preserve the property and value of the endowment fund;</u>	278 279
<u>(7) Modification or release of the restriction as allowed under section 1715.55 of the Revised Code;</u>	280 281
<u>(8) Reformation or dissolution of the endowment agreement;</u>	282
<u>(9) The transfer of property from the endowment fund to such other institution as the party, or the party's legal representative, directs in writing;</u>	283 284 285
<u>(10) The transfer of property from the endowment fund to the estate of a person who transferred property under the endowment agreement to be redirected by the estate administrator to an institution for charitable purposes consistent with those expressed in the endowment agreement;</u>	286 287 288 289 290
<u>(11) Any other equitable remedy consistent with the charitable purposes expressed in the endowment agreement and consistent with the charitable purpose of the state institution of higher education.</u>	291 292 293 294
<u>(I) If a court orders the transfer of property from an endowment fund, the court may require that the value of the property to be transferred approximate the value of property lost to the fund due to the breach, based on the value of the lost property when originally received by the fund. The court may increase the amount to be transferred by the approximate value of earnings lost due to the breach. The court, however, shall not order the transfer of property from an endowment fund to the extent that the current value of such property exceeds that of the fund.</u>	295 296 297 298 299 300 301 302 303 304

(J) A person who transferred property under an endowment agreement, or that person's legal representative, shall file a complaint authorized by this section within six years after discovery of the accrual of the cause of action. 305
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(K) The estate of a decedent who transferred property under an endowment agreement may be reopened for the purpose of appointing an administrator to file complaint authorized by this section if the applicant to reopen is a surviving spouse or one generation below. 309
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Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school year, the board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy on career advising that complies with this section. Thereafter, the policy shall be updated at least once every two years. 314
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(2) The board shall make the policy publicly available to students, parents, guardians, or custodians, local post-secondary institutions, and residents of the district. The district shall post the policy in a prominent location on its web site, if it has one. 320
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(B) The policy on career advising shall specify how the district will do all of the following: 325
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(1) Provide students with grade-level examples that link their schoolwork to one or more career fields. A district may use career connections developed under division (B) (2) of section 3301.079 of the Revised Code for this purpose. 327
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(2) Create a plan to provide career advising to students in grades six through twelve; 331
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(3) Beginning in the 2015-2016 school year, provide 333

additional interventions and career advising for students who 334
are identified as at risk of dropping out of school in 335
accordance with division (C) of this section; 336

(4) Train its employees on how to advise students on 337
career pathways, including training on advising students using 338
online tools; 339

(5) Develop multiple, clear academic pathways through high 340
school that students may choose in order to earn a high school 341
diploma; 342

(6) Identify and publicize courses that can award students 343
both traditional academic and career-technical credit; 344

(7) Document the career advising provided to each student 345
for review by the student, the student's parent, guardian, or 346
custodian, and future schools that the student may attend. A 347
district shall not otherwise release this information without 348
the written consent of the student's parent, guardian, or 349
custodian, if the student is less than eighteen years old, or 350
the written consent of the student, if the student is at least 351
eighteen years old. 352

(8) Prepare students for their transition from high school 353
to their post-secondary destinations, including any special 354
interventions that are necessary for students in need of 355
remediation in mathematics or English language arts; 356

(9) Include information regarding career fields that 357
require an industry-recognized credential, certificate, 358
associate's degree, bachelor's degree, graduate degree, or 359
professional degree; 360

(10) Provide students with information about ways a 361
student may offset the costs of a post-secondary education, 362

<u>including programs such as all of the following:</u>	363
<u>(a) The reserve officer training corps;</u>	364
<u>(b) The college credit plus program established under</u> <u>Chapter 3365. of the Revised Code;</u>	365 366
<u>(c) The Ohio guaranteed transfer pathways initiative</u> <u>established under section 3333.168 of the Revised Code;</u>	367 368
<u>(d) Joint academic programming or dual enrollment</u> <u>opportunities required under section 3333.168 of the Revised</u> <u>Code.</u>	369 370 371
<u>The chancellor of higher education shall develop</u> <u>informational materials that illustrate cost saving estimates</u> <u>for each of the options listed under division (B) (10) of this</u> <u>section based on instructional fees and total cost of</u> <u>attendance, including room and board and other fees. The</u> <u>chancellor shall develop a list of individual college courses</u> <u>that are transferable under section 3333.16 of the Revised Code.</u>	372 373 374 375 376 377 378
(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.	379 380 381 382 383 384 385 386 387 388
(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the	389 390 391

student's parent, guardian, or custodian does not participate in 392
the development of the plan, the district shall provide to the 393
parent, guardian, or custodian a copy of the student's success 394
plan and a statement of the importance of a high school diploma 395
and the academic pathways available to the student in order to 396
successfully graduate. 397

(3) Following the development of a student success plan 398
for a student, the district shall provide career advising to the 399
student that is aligned with the plan and, beginning in the 400
2015-2016 school year, the district's plan to provide career 401
advising created under division (B) (2) of this section. 402

(D) (1) Not later than December 1, 2014, the department of 403
education shall develop and post on its web site model policies 404
on career advising and model student success plans. 405

(2) Not later than July 1, 2015, the department shall 406
create an online clearinghouse of research related to proven 407
practices for policies on career advising and student success 408
plans that districts may access when fulfilling the requirements 409
of this section. 410

Sec. 3314.03. A copy of every contract entered into under 411
this section shall be filed with the superintendent of public 412
instruction. The department of education shall make available on 413
its web site a copy of every approved, executed contract filed 414
with the superintendent under this section. 415

(A) Each contract entered into between a sponsor and the 416
governing authority of a community school shall specify the 417
following: 418

(1) That the school shall be established as either of the 419
following: 420

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	421 422 423
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	424 425
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	426 427 428 429
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	430 431 432 433
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	434 435 436 437
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	438 439 440
(6) (a) Dismissal procedures;	441
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	442 443 444 445 446 447
(7) The ways by which the school will achieve racial and	448

ethnic balance reflective of the community it serves;	449
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	450 451 452 453 454 455
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	456 457
(a) A detailed description of each facility used for instructional purposes;	458 459
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	460 461
(c) The annual mortgage principal and interest payments that are paid by the school;	462 463
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	464 465 466
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	467 468 469 470 471 472
(11) That the school will comply with the following requirements:	473 474
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred	475 476

twenty hours per school year. 477

(b) The governing authority will purchase liability 478
insurance, or otherwise provide for the potential liability of 479
the school. 480

(c) The school will be nonsectarian in its programs, 481
admission policies, employment practices, and all other 482
operations, and will not be operated by a sectarian school or 483
religious institution. 484

(d) The school will comply with sections 9.90, 9.91, 485
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 486
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 487
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3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 3319.39, 495
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3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 497
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 498
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 499
4123., 4141., and 4167. of the Revised Code as if it were a 500
school district and will comply with section 3301.0714 of the 501
Revised Code in the manner specified in section 3314.17 of the 502
Revised Code. 503

(e) The school shall comply with Chapter 102. and section 504
2921.42 of the Revised Code. 505

(f) The school will comply with sections 3313.61, 506
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 507
Revised Code, except that for students who enter ninth grade for 508
the first time before July 1, 2010, the requirement in sections 509
3313.61 and 3313.611 of the Revised Code that a person must 510
successfully complete the curriculum in any high school prior to 511
receiving a high school diploma may be met by completing the 512
curriculum adopted by the governing authority of the community 513
school rather than the curriculum specified in Title XXXVIII of 514
the Revised Code or any rules of the state board of education. 515
Beginning with students who enter ninth grade for the first time 516
on or after July 1, 2010, the requirement in sections 3313.61 517
and 3313.611 of the Revised Code that a person must successfully 518
complete the curriculum of a high school prior to receiving a 519
high school diploma shall be met by completing the requirements 520
prescribed in division (C) of section 3313.603 of the Revised 521
Code, unless the person qualifies under division (D) or (F) of 522
that section. Each school shall comply with the plan for 523
awarding high school credit based on demonstration of subject 524
area competency, and beginning with the 2017-2018 school year, 525
with the updated plan that permits students enrolled in seventh 526
and eighth grade to meet curriculum requirements based on 527
subject area competency adopted by the state board of education 528
under divisions (J)(1) and (2) of section 3313.603 of the 529
Revised Code. Beginning with the 2018-2019 school year, the 530
school shall comply with the framework for granting units of 531
high school credit to students who demonstrate subject area 532
competency through work-based learning experiences, internships, 533
or cooperative education developed by the department under 534
division (J)(3) of section 3313.603 of the Revised Code. 535

(g) The school governing authority will submit within four 536

months after the end of each school year a report of its 537
activities and progress in meeting the goals and standards of 538
divisions (A) (3) and (4) of this section and its financial 539
status to the sponsor and the parents of all students enrolled 540
in the school. 541

(h) The school, unless it is an internet- or computer- 542
based community school, will comply with section 3313.801 of the 543
Revised Code as if it were a school district. 544

(i) If the school is the recipient of moneys from a grant 545
awarded under the federal race to the top program, Division (A), 546
Title XIV, Sections 14005 and 14006 of the "American Recovery 547
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 548
the school will pay teachers based upon performance in 549
accordance with section 3317.141 and will comply with section 550
3319.111 of the Revised Code as if it were a school district. 551

(j) If the school operates a preschool program that is 552
licensed by the department of education under sections 3301.52 553
to 3301.59 of the Revised Code, the school shall comply with 554
sections 3301.50 to 3301.59 of the Revised Code and the minimum 555
standards for preschool programs prescribed in rules adopted by 556
the state board under section 3301.53 of the Revised Code. 557

(k) The school will comply with sections 3313.6021 and 558
3313.6023 of the Revised Code as if it were a school district 559
unless it is either of the following: 560

(i) An internet- or computer-based community school; 561

(ii) A community school in which a majority of the 562
enrolled students are children with disabilities as described in 563
division (A) (4) (b) of section 3314.35 of the Revised Code. 564

(l) The school will comply with section 3321.191 of the 565

Revised Code, unless it is an internet- or computer-based	566
community school that is subject to section 3314.261 of the	567
Revised Code.	568
(12) Arrangements for providing health and other benefits	569
to employees;	570
(13) The length of the contract, which shall begin at the	571
beginning of an academic year. No contract shall exceed five	572
years unless such contract has been renewed pursuant to division	573
(E) of this section.	574
(14) The governing authority of the school, which shall be	575
responsible for carrying out the provisions of the contract;	576
(15) A financial plan detailing an estimated school budget	577
for each year of the period of the contract and specifying the	578
total estimated per pupil expenditure amount for each such year.	579
(16) Requirements and procedures regarding the disposition	580
of employees of the school in the event the contract is	581
terminated or not renewed pursuant to section 3314.07 of the	582
Revised Code;	583
(17) Whether the school is to be created by converting all	584
or part of an existing public school or educational service	585
center building or is to be a new start-up school, and if it is	586
a converted public school or service center building,	587
specification of any duties or responsibilities of an employer	588
that the board of education or service center governing board	589
that operated the school or building before conversion is	590
delegating to the governing authority of the community school	591
with respect to all or any specified group of employees provided	592
the delegation is not prohibited by a collective bargaining	593
agreement applicable to such employees;	594

(18) Provisions establishing procedures for resolving 595
disputes or differences of opinion between the sponsor and the 596
governing authority of the community school; 597

(19) A provision requiring the governing authority to 598
adopt a policy regarding the admission of students who reside 599
outside the district in which the school is located. That policy 600
shall comply with the admissions procedures specified in 601
sections 3314.06 and 3314.061 of the Revised Code and, at the 602
sole discretion of the authority, shall do one of the following: 603

(a) Prohibit the enrollment of students who reside outside 604
the district in which the school is located; 605

(b) Permit the enrollment of students who reside in 606
districts adjacent to the district in which the school is 607
located; 608

(c) Permit the enrollment of students who reside in any 609
other district in the state. 610

(20) A provision recognizing the authority of the 611
department of education to take over the sponsorship of the 612
school in accordance with the provisions of division (C) of 613
section 3314.015 of the Revised Code; 614

(21) A provision recognizing the sponsor's authority to 615
assume the operation of a school under the conditions specified 616
in division (B) of section 3314.073 of the Revised Code; 617

(22) A provision recognizing both of the following: 618

(a) The authority of public health and safety officials to 619
inspect the facilities of the school and to order the facilities 620
closed if those officials find that the facilities are not in 621
compliance with health and safety laws and regulations; 622

(b) The authority of the department of education as the 623
community school oversight body to suspend the operation of the 624
school under section 3314.072 of the Revised Code if the 625
department has evidence of conditions or violations of law at 626
the school that pose an imminent danger to the health and safety 627
of the school's students and employees and the sponsor refuses 628
to take such action. 629

(23) A description of the learning opportunities that will 630
be offered to students including both classroom-based and non- 631
classroom-based learning opportunities that is in compliance 632
with criteria for student participation established by the 633
department under division (H) (2) of section 3314.08 of the 634
Revised Code; 635

(24) The school will comply with sections 3302.04 and 636
3302.041 of the Revised Code, except that any action required to 637
be taken by a school district pursuant to those sections shall 638
be taken by the sponsor of the school. However, the sponsor 639
shall not be required to take any action described in division 640
(F) of section 3302.04 of the Revised Code. 641

(25) Beginning in the 2006-2007 school year, the school 642
will open for operation not later than the thirtieth day of 643
September each school year, unless the mission of the school as 644
specified under division (A) (2) of this section is solely to 645
serve dropouts. In its initial year of operation, if the school 646
fails to open by the thirtieth day of September, or within one 647
year after the adoption of the contract pursuant to division (D) 648
of section 3314.02 of the Revised Code if the mission of the 649
school is solely to serve dropouts, the contract shall be void. 650

(26) Whether the school's governing authority is planning 651
to seek designation for the school as a STEM school equivalent 652

under section 3326.032 of the Revised Code; 653

(27) That the school's attendance and participation 654
policies will be available for public inspection; 655

(28) That the school's attendance and participation 656
records shall be made available to the department of education, 657
auditor of state, and school's sponsor to the extent permitted 658
under and in accordance with the "Family Educational Rights and 659
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 660
and any regulations promulgated under that act, and section 661
3319.321 of the Revised Code; 662

(29) If a school operates using the blended learning 663
model, as defined in section 3301.079 of the Revised Code, all 664
of the following information: 665

(a) An indication of what blended learning model or models 666
will be used; 667

(b) A description of how student instructional needs will 668
be determined and documented; 669

(c) The method to be used for determining competency, 670
granting credit, and promoting students to a higher grade level; 671

(d) The school's attendance requirements, including how 672
the school will document participation in learning 673
opportunities; 674

(e) A statement describing how student progress will be 675
monitored; 676

(f) A statement describing how private student data will 677
be protected; 678

(g) A description of the professional development 679

activities that will be offered to teachers. 680

(30) A provision requiring that all moneys the school's 681
operator loans to the school, including facilities loans or cash 682
flow assistance, must be accounted for, documented, and bear 683
interest at a fair market rate; 684

(31) A provision requiring that, if the governing 685
authority contracts with an attorney, accountant, or entity 686
specializing in audits, the attorney, accountant, or entity 687
shall be independent from the operator with which the school has 688
contracted. 689

(32) A provision requiring the governing authority to 690
adopt an enrollment and attendance policy that requires a 691
student's parent to notify the community school in which the 692
student is enrolled when there is a change in the location of 693
the parent's or student's primary residence. 694

(33) A provision requiring the governing authority to 695
adopt a student residence and address verification policy for 696
students enrolling in or attending the school. 697

(B) The community school shall also submit to the sponsor 698
a comprehensive plan for the school. The plan shall specify the 699
following: 700

(1) The process by which the governing authority of the 701
school will be selected in the future; 702

(2) The management and administration of the school; 703

(3) If the community school is a currently existing public 704
school or educational service center building, alternative 705
arrangements for current public school students who choose not 706
to attend the converted school and for teachers who choose not 707

to teach in the school or building after conversion;	708
(4) The instructional program and educational philosophy	709
of the school;	710
(5) Internal financial controls.	711
When submitting the plan under this division, the school	712
shall also submit copies of all policies and procedures	713
regarding internal financial controls adopted by the governing	714
authority of the school.	715
(C) A contract entered into under section 3314.02 of the	716
Revised Code between a sponsor and the governing authority of a	717
community school may provide for the community school governing	718
authority to make payments to the sponsor, which is hereby	719
authorized to receive such payments as set forth in the contract	720
between the governing authority and the sponsor. The total	721
amount of such payments for monitoring, oversight, and technical	722
assistance of the school shall not exceed three per cent of the	723
total amount of payments for operating expenses that the school	724
receives from the state.	725
(D) The contract shall specify the duties of the sponsor	726
which shall be in accordance with the written agreement entered	727
into with the department of education under division (B) of	728
section 3314.015 of the Revised Code and shall include the	729
following:	730
(1) Monitor the community school's compliance with all	731
laws applicable to the school and with the terms of the	732
contract;	733
(2) Monitor and evaluate the academic and fiscal	734
performance and the organization and operation of the community	735
school on at least an annual basis;	736

(3) Report on an annual basis the results of the	737
evaluation conducted under division (D) (2) of this section to	738
the department of education and to the parents of students	739
enrolled in the community school;	740
(4) Provide technical assistance to the community school	741
in complying with laws applicable to the school and terms of the	742
contract;	743
(5) Take steps to intervene in the school's operation to	744
correct problems in the school's overall performance, declare	745
the school to be on probationary status pursuant to section	746
3314.073 of the Revised Code, suspend the operation of the	747
school pursuant to section 3314.072 of the Revised Code, or	748
terminate the contract of the school pursuant to section 3314.07	749
of the Revised Code as determined necessary by the sponsor;	750
(6) Have in place a plan of action to be undertaken in the	751
event the community school experiences financial difficulties or	752
closes prior to the end of a school year.	753
(E) Upon the expiration of a contract entered into under	754
this section, the sponsor of a community school may, with the	755
approval of the governing authority of the school, renew that	756
contract for a period of time determined by the sponsor, but not	757
ending earlier than the end of any school year, if the sponsor	758
finds that the school's compliance with applicable laws and	759
terms of the contract and the school's progress in meeting the	760
academic goals prescribed in the contract have been	761
satisfactory. Any contract that is renewed under this division	762
remains subject to the provisions of sections 3314.07, 3314.072,	763
and 3314.073 of the Revised Code.	764
(F) If a community school fails to open for operation	765

within one year after the contract entered into under this 766
section is adopted pursuant to division (D) of section 3314.02 767
of the Revised Code or permanently closes prior to the 768
expiration of the contract, the contract shall be void and the 769
school shall not enter into a contract with any other sponsor. A 770
school shall not be considered permanently closed because the 771
operations of the school have been suspended pursuant to section 772
3314.072 of the Revised Code. 773

Sec. 3320.04. (A) As used in this section, "constitutional 774
time, place, and manner restrictions" and "free speech" have the 775
same meanings as in section 3345.0215 of the Revised Code. 776

(B) In addition to complying with sections 3320.01 to 777
3320.03 of the Revised Code, the board of education of each 778
city, local, exempted village, and joint vocational school 779
district shall adopt a policy that affirms the following 780
principles of free speech, which are the public policy of this 781
state: 782

(1) Students have a fundamental constitutional right to 783
free speech. 784

(2) A school district shall be committed to giving 785
students the broadest possible latitude to speak, write, listen, 786
challenge, learn, and discuss any issue, subject to division (E) 787
of this section. 788

(3) A school district shall be committed to maintaining 789
its school buildings as a marketplace of ideas for all students 790
and all teachers in which the free exchange of ideas is not to 791
be suppressed because the ideas put forth are thought by some or 792
even by most members of the district's community to be 793
offensive, unwise, immoral, indecent, disagreeable, 794

conservative, liberal, traditional, radical, or wrong-headed. 795

(4) It is for a school district's individual students and teachers to make judgments about ideas for themselves, and act on those judgments not by seeking to suppress free speech but by openly and vigorously contesting the ideas that they oppose. 796
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(5) It is not the proper role of a school district to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed. 800
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(6) Although a school district should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by a school district as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty. 805
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(7) Although all students and all teachers are free to state their own views about and contest the views expressed on school property, and to state their own views about and contest speakers who are invited to express their views on school property, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, a school district has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom. 812
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(8) A school district shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all teachers, 821
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who shall always remain free to inquire, to study and to 824
evaluate, and to gain new understanding. 825

(9) The primary responsibility of teachers is to engage an 826
honest, courageous, and persistent effort to search out and 827
communicate the truth that lies in the areas of their 828
competence. 829

(C) Each school district board of education shall 830
establish a process under which a student or teacher may submit 831
a complaint about an alleged violation by a school district 832
employee of the policy established under this section, including 833
any penalty imposed on a student's grade for an assignment or 834
coursework that is unrelated to ordinary academic standards of 835
substance and relevance, including any legitimate pedagogical 836
concerns, and is instead based on the contents of student's free 837
speech. The process shall comply with standards adopted by the 838
department of education. 839

Under the process, a school district shall investigate the 840
alleged violation and conduct a fair and impartial hearing 841
regarding the alleged violation. If the hearing determines the 842
district's policy was violated, the district board shall 843
determine a resolution to address the violation and prevent any 844
further violation of the district's policy. 845

(D) Each school district annually shall report to the 846
department, in a form and manner prescribed by the department, 847
both of the following regarding complaints submitted in the 848
school year under the process prescribed under division (C) of 849
this section: 850

(1) The total number of submitted complaints; 851

(2) For each submitted complaint, a description of all of 852

<u>the following:</u>	853
<u>(a) The school district's investigation regarding the complaint;</u>	854 855
<u>(b) The outcome of the hearing conducted by the school district regarding the complaint;</u>	856 857
<u>(c) If the hearing determines the complaint included a violation of the state institution's policy, the resolution determined by the district board to address the violation.</u>	858 859 860
<u>(E) Nothing contained in this section shall be construed as prohibiting a school district from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:</u>	861 862 863 864 865
<u>(1) Constitutional time, place, and manner restrictions;</u>	866
<u>(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;</u>	867 868
<u>(3) Restricting the use of the school district's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the district's mission;</u>	869 870 871 872
<u>(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution; or</u>	873 874 875 876
<u>(5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.</u>	877 878 879

(F) The policy adopted under this section shall be made 880
available to students and teachers annually through one or more 881
of the following methods: 882

(1) Published annually in the school district's student 883
handbook and teacher handbook, whether paper or electronic; 884

(2) Made available to students and teachers by way of a 885
prominent notice on the school district's web site other than 886
through the electronic publication of the policy in the student 887
handbook and teacher handbook; 888

(3) Sent annually to students and employees to their 889
electronic mail address; 890

(4) Addressed by the school district in orientation 891
programs for new students and new teachers. 892

(G) Nothing in this section shall be construed to grant 893
students the right to disrupt previously scheduled or reserved 894
activities occurring in a traditional public forum. 895

Sec. 3326.11. Each science, technology, engineering, and 896
mathematics school established under this chapter and its 897
governing body shall comply with sections 9.90, 9.91, 109.65, 898
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 899
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 900
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 901
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 902
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 903
3313.6021, 3313.6024, 3313.6025, 3313.61, 3313.611, 3313.614, 904
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 905
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 906
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 907
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 908

3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 909
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 910
3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 3319.35, 911
3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 912
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 913
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 914
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 915
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 916
4123., 4141., and 4167. of the Revised Code as if it were a 917
school district. 918

Sec. 3328.24. A college-preparatory boarding school 919
established under this chapter and its board of trustees shall 920
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 921
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 922
3313.6025, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668, 923
3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 3319.073, 924
3319.077, 3319.078, 3319.39, 3319.391, 3319.46, 3320.01, 925
3320.02, 3320.03, 3320.04, 3323.251, and 5502.262, and Chapter 926
3365. of the Revised Code as if the school were a school 927
district and the school's board of trustees were a district 928
board of education. 929

Sec. 3333.04. The chancellor of higher education shall: 930

(A) Make studies of state policy in the field of higher 931
education and formulate a master plan for higher education for 932
the state, considering the needs of the people, the needs of the 933
state, and the role of individual public and private 934
institutions within the state in fulfilling these needs; 935

(B) (1) Report annually to the governor and the general 936
assembly on the findings from the chancellor's studies and the 937
master plan for higher education for the state; 938

(2) Report at least semiannually to the general assembly	939
and the governor the enrollment numbers at each state-assisted	940
institution of higher education.	941
(C) Approve or disapprove the establishment of new	942
branches or academic centers of state colleges and universities;	943
(D) Approve or disapprove the establishment of state	944
technical colleges or any other state institution of higher	945
education;	946
(E) Recommend the nature of the programs, undergraduate,	947
graduate, professional, state-financed research, and public	948
services which should be offered by the state colleges,	949
universities, and other state-assisted institutions of higher	950
education in order to utilize to the best advantage their	951
facilities and personnel;	952
(F) Recommend to the state colleges, universities, and	953
other state-assisted institutions of higher education graduate	954
or professional programs, including, but not limited to, doctor	955
of philosophy, doctor of education, and juris doctor programs,	956
that could be eliminated because they constitute unnecessary	957
duplication, as shall be determined using the process developed	958
pursuant to this division, or for other good and sufficient	959
cause. Prior to recommending a program for elimination, the	960
chancellor shall request the board of regents to hold at least	961
one public hearing on the matter and advise the chancellor on	962
whether the program should be recommended for elimination. The	963
board shall provide notice of each hearing within a reasonable	964
amount of time prior to its scheduled date. Following the	965
hearing, the board shall issue a recommendation to the	966
chancellor. The chancellor shall consider the board's	967
recommendation but shall not be required to accept it.	968

For purposes of determining the amounts of any state 969
instructional subsidies paid to state colleges, universities, 970
and other state-assisted institutions of higher education, the 971
chancellor may exclude students enrolled in any program that the 972
chancellor has recommended for elimination pursuant to this 973
division except that the chancellor shall not exclude any such 974
student who enrolled in the program prior to the date on which 975
the chancellor initially commences to exclude students under 976
this division. 977

The chancellor and state colleges, universities, and other 978
state-assisted institutions of higher education shall jointly 979
develop a process for determining which existing graduate or 980
professional programs constitute unnecessary duplication. 981

(G) Recommend to the state colleges, universities, and 982
other state-assisted institutions of higher education programs 983
which should be added to their present programs; 984

(H) Conduct studies for the state colleges, universities, 985
and other state-assisted institutions of higher education to 986
assist them in making the best and most efficient use of their 987
existing facilities and personnel; 988

(I) Make recommendations to the governor and general 989
assembly concerning the development of state-financed capital 990
plans for higher education; the establishment of new state 991
colleges, universities, and other state-assisted institutions of 992
higher education; and the establishment of new programs at the 993
existing state colleges, universities, and other institutions of 994
higher education; 995

(J) Review the appropriation requests of the public 996
community colleges and the state colleges and universities and 997

submit to the office of budget and management and to the 998
chairpersons of the finance committees of the house of 999
representatives and of the senate the chancellor's 1000
recommendations in regard to the biennial higher education 1001
appropriation for the state, including appropriations for the 1002
individual state colleges and universities and public community 1003
colleges. For the purpose of determining the amounts of 1004
instructional subsidies to be paid to state-assisted colleges 1005
and universities, the chancellor shall define "full-time 1006
equivalent student" by program per academic year. The definition 1007
may take into account the establishment of minimum enrollment 1008
levels in technical education programs below which support 1009
allowances will not be paid. Except as otherwise provided in 1010
this section, the chancellor shall make no change in the 1011
definition of "full-time equivalent student" in effect on 1012
November 15, 1981, which would increase or decrease the number 1013
of subsidy-eligible full-time equivalent students, without first 1014
submitting a fiscal impact statement to the president of the 1015
senate, the speaker of the house of representatives, the 1016
legislative service commission, and the director of budget and 1017
management. The chancellor shall work in close cooperation with 1018
the director of budget and management in this respect and in all 1019
other matters concerning the expenditures of appropriated funds 1020
by state colleges, universities, and other institutions of 1021
higher education. 1022

(K) Seek the cooperation and advice of the officers and 1023
trustees of both public and private colleges, universities, and 1024
other institutions of higher education in the state in 1025
performing the chancellor's duties and making the chancellor's 1026
plans, studies, and recommendations; 1027

(L) Appoint advisory committees consisting of persons 1028

associated with public or private secondary schools, members of 1029
the state board of education, or personnel of the state 1030
department of education; 1031

(M) Appoint advisory committees consisting of college and 1032
university personnel, or other persons knowledgeable in the 1033
field of higher education, or both, in order to obtain their 1034
advice and assistance in defining and suggesting solutions for 1035
the problems and needs of higher education in this state; 1036

(N) Approve or disapprove all new degrees and new degree 1037
programs at all state colleges, universities, and other state- 1038
assisted institutions of higher education. 1039

When considering approval of a new degree or degree 1040
program for a state institution of higher education, as defined 1041
in section 3345.011 of the Revised Code, the chancellor shall 1042
take into account the extent to which the degree or degree 1043
program aligns with in-demand jobs, as defined in section 1044
3333.94 of the Revised Code. 1045

(O) Adopt such rules as are necessary to carry out the 1046
chancellor's duties and responsibilities. The rules shall 1047
prescribe procedures for the chancellor to follow when taking 1048
actions associated with the chancellor's duties and 1049
responsibilities and shall indicate which types of actions are 1050
subject to those procedures. The procedures adopted under this 1051
division shall be in addition to any other procedures prescribed 1052
by law for such actions. However, if any other provision of the 1053
Revised Code or rule adopted by the chancellor prescribes 1054
different procedures for such an action, the procedures adopted 1055
under this division shall not apply to that action to the extent 1056
they conflict with the procedures otherwise prescribed by law. 1057
The procedures adopted under this division shall include at 1058

least the following:	1059
(1) Provision for public notice of the proposed action;	1060
(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;	1061 1062 1063
(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;	1064 1065 1066
(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	1067 1068 1069
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	1070 1071
(6) A timeline for the process described in divisions (O) (1) to (5) of this section.	1072 1073
(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;	1074 1075 1076 1077
(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	1078 1079 1080 1081
(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	1082 1083 1084 1085 1086

(S) Conduct enrollment audits of state-supported 1087
institutions of higher education; 1088

(T) Appoint consortia of college and university personnel 1089
to advise or participate in the development and operation of 1090
statewide collaborative efforts, including the Ohio 1091
supercomputer center, the Ohio academic resources network, 1092
OhioLink, and the Ohio learning network. For each consortium, 1093
the chancellor shall designate a college or university to serve 1094
as that consortium's fiscal agent, financial officer, and 1095
employer. Any funds appropriated for the consortia shall be 1096
distributed to the fiscal agents for the operation of the 1097
consortia. A consortium shall follow the rules of the college or 1098
university that serves as its fiscal agent. The chancellor may 1099
restructure existing consortia, appointed under this division, 1100
in accordance with procedures adopted under divisions (O) (1) to 1101
(6) of this section. 1102

(U) Adopt rules establishing advisory duties and 1103
responsibilities of the board of regents not otherwise 1104
prescribed by law; 1105

(V) Respond to requests for information about higher 1106
education from members of the general assembly and direct staff 1107
to conduct research or analysis as needed for this purpose. 1108

Sec. 3333.0418. (A) As used in this section: 1109

(1) "In-demand jobs" has the same meaning as in section 1110
3333.94 of the Revised Code. 1111

(2) "State institution of higher education" has the same 1112
meaning as in section 3345.011 of the Revised Code. 1113

(B) Not later than the first day of November of each even- 1114
numbered year, the chancellor of higher education shall issue a 1115

report regarding the extent to which degree and certificate 1116
attainment at state institutions of higher education align with 1117
in-demand jobs in the state. 1118

(C) After a report is issued under this section, the 1119
chancellor shall consider the report's findings and, in 1120
collaboration with the office of budget and management, shall 1121
consider developing or changing the weights or allocations in 1122
the state share of instruction formula to ensure that degree and 1123
certificate attainment at state institutions of higher education 1124
align with in-demand jobs in the state. 1125

Sec. 3333.0419. (A) As used in this section: 1126

(1) "Ohio resident" means a resident of this state under 1127
rules adopted by the chancellor of higher education under 1128
section 3333.31 of the Revised Code. 1129

(2) "State institution of higher education" has the same 1130
meaning as in section 3345.011 of the Revised Code. 1131

(B) The chancellor of higher education annually shall 1132
issue all of the following, to the extent practicable: 1133

(1) A report regarding student admissions to state 1134
institutions of higher education during the academic year, 1135
including information regarding student demographics and 1136
qualifications, including grade point averages, scores on 1137
nationally standardized assessments that are used for college 1138
admission, and other data used by institutions in making 1139
admissions decisions. Information in the report shall be 1140
disaggregated by students who are and are not Ohio residents. 1141

(2) A report regarding the revenue state institutions of 1142
higher education received from instructional and general fees 1143
during the academic year and how the institutions used such 1144

revenue. The report shall categorize the expenditure of such 1145
revenue, including for teaching costs and administrative costs. 1146
The report also shall compare student enrollment trends with 1147
instructional and general fee revenue trends. 1148

(3) A report about the mental health and wellness services 1149
and initiatives of state institutions of higher education. The 1150
report shall include all of the following: 1151

(a) A description of each state institution of higher 1152
education's mental health and wellness services and initiatives; 1153

(b) An analysis of how much funding each state institution 1154
of higher education dedicates to mental health and wellness 1155
services and initiatives, including the percentage of that 1156
funding that is used for administrative costs; 1157

(c) An analysis of the aggregate amount of funding state 1158
institutions of higher education dedicate to mental health and 1159
wellness services and initiatives, including the percentage of 1160
that funding that is used for administrative costs; 1161

(d) Any other information the chancellor determines 1162
appropriate. 1163

(C) Each state institution of higher education shall 1164
submit to the chancellor, in a form and manner prescribed by the 1165
chancellor, any information or data the chancellor requires to 1166
issue the reports prescribed under division (B) of this section. 1167

(D) Each state institution of higher education annually 1168
shall issue reports similar to those prescribed under divisions 1169
(B) (1) and (2) of this section. Each state institution of higher 1170
education shall post those reports on its publicly accessible 1171
web site. 1172

(E) The chancellor shall submit each report the chancellor issues under this section to the general assembly in accordance with section 101.68 of the Revised Code. 1173
1174
1175

(F) The chancellor shall adopt rules to implement this section. 1176
1177

Sec. 3333.051. ~~(A)~~—The chancellor of higher education 1178
shall establish a program under which a community college 1179
established under Chapter 3354., technical college established 1180
under Chapter 3357., or state community college established 1181
under Chapter 3358. of the Revised Code may apply to the 1182
chancellor for authorization to offer applied bachelor's degree 1183
programs. 1184

(A) The chancellor may approve programs under this section 1185
that demonstrate all of the following: 1186

(1) Evidence of an agreement between the college and a 1187
regional business or industry to train students in an in-demand 1188
field and to employ students upon their successful completion of 1189
the program; 1190

(2) That the workforce need of the regional business or 1191
industry is in an in-demand field with long-term sustainability 1192
based upon data provided by the governor's office of workforce 1193
transformation; 1194

(3) Supporting data that identifies the specific workforce 1195
need the program will address; 1196

(4) The absence of a bachelor's degree program that meets 1197
the workforce need addressed by the proposed program that is 1198
offered by a state university or private college or university; 1199

(5) Willingness of an industry partner to offer workplace- 1200

based learning and employment opportunities to students enrolled 1201
in the proposed program. 1202

~~(B) Before approving a program under this section, the~~ 1203
~~chancellor shall consult with the governor's office of workforce~~ 1204
~~transformation, the inter-university council of Ohio, the Ohio~~ 1205
~~association of community colleges, and the association of~~ 1206
~~independent colleges and universities of Ohio, or any successor~~ 1207
~~to those organizations. The chancellor shall approve all nursing~~ 1208
~~bachelor's degree programs that meet the requirements prescribed~~ 1209
~~in divisions (A) (1) to (5) of this section and the standards and~~ 1210
~~procedures for academic program approval pursuant to section~~ 1211
~~3333.04 of the Revised Code.~~ 1212

(C) As used in this section: 1213

(1) "Applied bachelor's degree" means a bachelor's degree 1214
that is both of the following: 1215

(a) Specifically designed for an individual who holds an 1216
associate of applied science degree, or its equivalent, in order 1217
to maximize application of the individual's technical course 1218
credits toward the bachelor's degree; 1219

(b) Based on curriculum that incorporates both theoretical 1220
and applied knowledge and skills in a specific technical field. 1221

(2) "Private college or university" means a nonprofit 1222
institution that holds a certificate of authorization pursuant 1223
to Chapter 1713. of the Revised Code. 1224

(3) "State university" has the same meaning as in section 1225
3345.011 of the Revised Code. 1226

Sec. 3333.073. The chancellor of higher education may 1227
suspend or limit enrollment in any degree program offered by a 1228

state institution of higher education, as defined in section 1229
3345.011 of the Revised Code, if the chancellor determines that 1230
the degree program has a low completion rate at that 1231
institution. The chancellor may adopt rules to implement this 1232
section. 1233

Sec. 3333.122. (A) The chancellor of higher education 1234
shall adopt rules to carry out this section and as authorized 1235
under section 3333.123 of the Revised Code. The rules shall 1236
include definitions of the terms "resident," "expected family 1237
contribution," "full-time student," "three-quarters-time 1238
student," "half-time student," "one-quarter-time student," 1239
"state cost of attendance," and "accredited" for the purpose of 1240
those sections. 1241

(B) Only an Ohio resident who meets both of the following 1242
is eligible for a grant awarded under this section: 1243

(1) The resident has an expected family contribution of 1244
two thousand one hundred ninety or less; 1245

(2) The resident enrolls in one of the following: 1246

(a) An undergraduate program, or a nursing diploma program 1247
approved by the board of nursing under section 4723.06 of the 1248
Revised Code, at a state-assisted state institution of higher 1249
education, as defined in section 3345.12 of the Revised Code, 1250
that meets the requirements of Title VI of the Civil Rights Act 1251
of 1964; 1252

(b) An undergraduate program, or a nursing diploma program 1253
approved by the board of nursing under section 4723.06 of the 1254
Revised Code, at a private, nonprofit institution in this state 1255
holding a certificate of authorization pursuant to Chapter 1713. 1256
of the Revised Code; 1257

(c) An undergraduate program, or a nursing diploma program 1258
approved by the board of nursing under section 4723.06 of the 1259
Revised Code, at a career college in this state that holds a 1260
certificate of registration from the state board of career 1261
colleges and schools under Chapter 3332. of the Revised Code or 1262
at a private institution exempt from regulation under Chapter 1263
3332. of the Revised Code as prescribed in section 3333.046 of 1264
the Revised Code, if the program has a certificate of 1265
authorization pursuant to Chapter 1713. of the Revised Code. 1266

(d) A comprehensive transition and postsecondary program 1267
that is certified by the United States department of education. 1268
For purposes of this section, a "comprehensive transition and 1269
postsecondary program" means a degree, certificate, or non- 1270
degree program that is designed to support persons with 1271
intellectual disabilities who are receiving academic, career, 1272
technical, and independent living instruction at an institution 1273
of higher education in order to prepare for gainful employment 1274
as defined in 20 U.S.C. 1140. 1275

(C) (1) The chancellor shall establish and administer a 1276
needs-based financial aid grants program based on the United 1277
States department of education's method of determining financial 1278
need. The program shall be known as the Ohio college opportunity 1279
grant program. The general assembly shall support the needs- 1280
based financial aid program by such sums and in such manner as 1281
it may provide, but the chancellor also may receive funds from 1282
other sources to support the program. If, for any academic year, 1283
the amounts available for support of the program are inadequate 1284
to provide grants to all eligible students, the chancellor shall 1285
do one of the following: 1286

(a) Give preference in the payment of grants based upon 1287

expected family contribution, beginning with the lowest expected 1288
family contribution category and proceeding upward by category 1289
to the highest expected family contribution category; 1290

(b) Proportionately reduce the amount of each grant to be 1291
awarded for the academic year under this section; 1292

(c) Use an alternate formula for such grants that 1293
addresses the shortage of available funds and has been submitted 1294
to and approved by the controlling board. 1295

(2) The needs-based financial aid grant shall be paid to 1296
the eligible student through the institution in which the 1297
student is enrolled, except that no needs-based financial aid 1298
grant shall be paid to any person serving a term of 1299
imprisonment. Applications for the grants shall be made as 1300
prescribed by the chancellor, and such applications may be made 1301
in conjunction with and upon the basis of information provided 1302
in conjunction with student assistance programs funded by 1303
agencies of the United States government or from financial 1304
resources of the institution of higher education. The 1305
institution shall certify that the student applicant meets the 1306
requirements set forth in division (B) of this section. Needs- 1307
based financial aid grants shall be provided to an eligible 1308
student only as long as the student is making appropriate 1309
progress toward a nursing diploma, an associate or bachelor's 1310
degree, or completion of a comprehensive transition and 1311
postsecondary program. No student shall be eligible to receive a 1312
grant for more than ten semesters, fifteen quarters, or the 1313
equivalent of five academic years. A grant made to an eligible 1314
student on the basis of less than full-time enrollment shall be 1315
based on the number of credit hours for which the student is 1316
enrolled and shall be computed in accordance with a formula 1317

adopted by rule issued by the chancellor. No student shall 1318
receive more than one grant on the basis of less than full-time 1319
enrollment. 1320

(D) (1) Except as provided in divisions (D) (4) and (5) of 1321
this section, no grant awarded under this section shall exceed 1322
the total state cost of attendance. 1323

(2) Subject to divisions (D) (1), (3), (4), and (5) of this 1324
section, the chancellor shall determine the maximum per student 1325
award amount for each institutional sector by subtracting the 1326
sum of the maximum Pell grant and maximum expected family 1327
contribution amounts, as determined by the chancellor, from the 1328
average instructional and general fees charged by the 1329
institutional sector. The department of higher education shall 1330
publish on its web site an annual Ohio college opportunity award 1331
table. ~~In~~ Except as provided for in section 3333.125 of the 1332
Revised Code, in no case, shall the grant amount for such a 1333
student exceed any maximum that the chancellor may set by rule. 1334

(3) For a student enrolled for a semester or quarter in 1335
addition to the portion of the academic year covered by a grant 1336
under this section, the maximum grant amount shall be a 1337
percentage of the maximum specified in any table established in 1338
rules adopted by the chancellor as provided in division (A) of 1339
this section. The maximum grant for a fourth quarter shall be 1340
one-third of the maximum amount so prescribed. The maximum grant 1341
for a third semester shall be one-half of the maximum amount so 1342
prescribed. 1343

(4) If a student is enrolled in a two-year institution of 1344
higher education and is eligible for an education and training 1345
voucher through the Ohio education and training voucher program 1346
that receives federal funding under the John H. Chafee foster 1347

care independence program, 42 U.S.C. 677, the amount of a grant 1348
awarded under this section may exceed the total state cost of 1349
attendance to additionally cover housing costs. 1350

(5) For a student who is receiving federal veterans' 1351
benefits under the "All-Volunteer Force Educational Assistance 1352
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 1353
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 1354
successor program, the amount of a grant awarded under this 1355
section shall be applied toward the total state cost of 1356
attendance and the student's housing costs and living expenses. 1357
Living expenses shall include reasonable costs for room and 1358
board. 1359

(E) No grant shall be made to any student in a course of 1360
study in theology, religion, or other field of preparation for a 1361
religious profession unless such course of study leads to an 1362
accredited bachelor of arts, bachelor of science, associate of 1363
arts, or associate of science degree. 1364

(F) (1) Except as provided in division (F) (2) of this 1365
section, no grant shall be made to any student for enrollment 1366
during a fiscal year in an institution with a cohort default 1367
rate determined by the United States secretary of education 1368
pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1369
1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth 1370
day of June preceding the fiscal year, equal to or greater than 1371
thirty per cent for each of the preceding two fiscal years. 1372

(2) Division (F) (1) of this section does not apply in the 1373
case of either of the following: 1374

(a) The institution pursuant to federal law appeals its 1375
loss of eligibility for federal financial aid and the United 1376

States secretary of education determines its cohort default rate 1377
after recalculation is lower than the rate specified in division 1378
(F) (1) of this section or the secretary determines due to 1379
mitigating circumstances that the institution may continue to 1380
participate in federal financial aid programs. The chancellor 1381
shall adopt rules requiring any such appellant to provide 1382
information to the chancellor regarding an appeal. 1383

(b) Any student who has previously received a grant 1384
pursuant to any provision of this section, including prior to 1385
the section's amendment by H.B. 1 of the 128th general assembly, 1386
effective July 17, 2009, and who meets all other eligibility 1387
requirements of this section. 1388

(3) The chancellor shall adopt rules for the notification 1389
of all institutions whose students will be ineligible to 1390
participate in the grant program pursuant to division (F) (1) of 1391
this section. 1392

(4) A student's attendance at any institution whose 1393
students are ineligible for grants due to division (F) (1) of 1394
this section shall not affect that student's eligibility to 1395
receive a grant when enrolled in another institution. 1396

(G) Institutions of higher education that enroll students 1397
receiving needs-based financial aid grants under this section 1398
shall report to the chancellor all students who have received 1399
such needs-based financial aid grants but are no longer eligible 1400
for all or part of those grants and shall refund any moneys due 1401
the state within thirty days after the beginning of the quarter 1402
or term immediately following the quarter or term in which the 1403
student was no longer eligible to receive all or part of the 1404
student's grant. There shall be an interest charge of one per 1405
cent per month on all moneys due and payable after such thirty- 1406

day period. The chancellor shall immediately notify the office 1407
of budget and management and the legislative service commission 1408
of all refunds so received. 1409

Sec. 3333.125. (A) As used in this section, "eligible 1410
student" means a student to whom all of the following apply: 1411

(1) The student receives an Ohio college opportunity grant 1412
under section 3333.122 of the Revised Code. 1413

(2) The student has completed at least two years of a 1414
bachelor's degree program. 1415

(3) The student is making progress toward completing the 1416
student's bachelor's degree program. 1417

(B) In addition to the Ohio college opportunity grant a 1418
student is awarded under section 3333.122 of the Revised Code, 1419
the chancellor shall award an eligible student with a 1420
supplemental grant. Funding for this supplemental grant shall be 1421
paid for from funds appropriated for grants awarded under 1422
section 3333.122 of the Revised Code. Supplemental grants 1423
awarded under this section shall be subject to the same 1424
requirements as a grant awarded under section 3333.122 of the 1425
Revised Code, including divisions (D)(1) and (E) of that 1426
section. 1427

(C) The chancellor shall adopt rules to implement this 1428
section. The rules shall include a method to calculate 1429
supplemental grant amounts. 1430

Sec. 3333.126. (A) As used in this section: 1431

(1) "Cost of attendance" has the same meaning as in 20 1432
U.S.C. 108711. 1433

(2) "Eligible student" means a student to whom all of the 1434

following apply: 1435

(a) The student is a resident of this state under rules 1436
adopted by the chancellor of higher education under section 1437
3333.31 of the Revised Code. 1438

(b) The student has not attained a bachelor's degree from 1439
a qualifying institution or an institution of higher education 1440
in another state prior to applying for a grant under this 1441
section. 1442

(c) The student, while in good standing, disenrolled from 1443
a state university and did not transfer to a qualifying 1444
institution or an institution of higher education in another 1445
state in the three semesters immediately following the student's 1446
disenrollment. For the purposes of this division, "good 1447
standing" includes being in good academic standing and not 1448
having a record of disciplinary issues, including being 1449
suspended or expelled from the state university. 1450

(d) Subject to division (A) (2) (c) of this section, the 1451
student enrolls in a qualifying institution within five years of 1452
disenrolling from the state university. 1453

(e) The student is not enrolled in the college credit plus 1454
program established under Chapter 3365. of the Revised Code. 1455

(f) The student meets any other eligibility criteria 1456
determined necessary by the chancellor. 1457

(3) "Qualifying institution" means any of the following: 1458

(a) A state institution of higher education, as defined in 1459
section 3345.011 of the Revised Code; 1460

(b) A private nonprofit institution of higher education 1461
that holds a certificate of authorization pursuant to Chapter 1462

<u>1713. of the Revised Code;</u>	1463
<u>(c) An institution with a certificate of registration from</u>	1464
<u>the state board of career colleges and schools under Chapter</u>	1465
<u>3332. of the Revised Code;</u>	1466
<u>(d) A private institution exempt from regulation under</u>	1467
<u>Chapter 3332. of the Revised Code as prescribed in section</u>	1468
<u>3333.046 of the Revised Code;</u>	1469
<u>(e) An Ohio technical center, as defined in section</u>	1470
<u>3333.94 of the Revised Code.</u>	1471
<u>(4) "State university" has the same meaning as in section</u>	1472
<u>3345.011 of the Revised Code.</u>	1473
<u>(B) The chancellor shall establish the second chance grant</u>	1474
<u>pilot program, which shall operate in the 2021-2022 and 2022-</u>	1475
<u>2023 academic years. Under the pilot program, the chancellor</u>	1476
<u>shall award a one-time grant of two thousand dollars to each</u>	1477
<u>eligible student approved to participate in the program.</u>	1478
<u>(C) Eligible students shall apply to participate in the</u>	1479
<u>pilot program in a form and manner prescribed by the chancellor.</u>	1480
<u>The chancellor shall approve each applicant who is enrolled in a</u>	1481
<u>qualifying institution and who has a cost of attendance</u>	1482
<u>remaining for the academic year in which the application is</u>	1483
<u>approved after all other financial aid for which that applicant</u>	1484
<u>qualifies has been applied to the applicant's account at the</u>	1485
<u>institution. However, the chancellor shall not approve more than</u>	1486
<u>three thousand applicants to participate in the program. The</u>	1487
<u>chancellor shall approve applications in the order in which they</u>	1488
<u>are received.</u>	1489
<u>(D) The chancellor shall pay grants to the qualifying</u>	1490
<u>institution in which a participant is enrolled in the academic</u>	1491

year in which the participant's application is approved. The 1492
qualifying institution shall apply the grant to a participant's 1493
cost of attendance for that academic year. If any amount of the 1494
grant remains after it is applied to the participant's cost of 1495
attendance for that year, the qualifying institution shall apply 1496
that remaining amount to the participant's cost of attendance 1497
for any other academic year in which the student is enrolled in 1498
the institution and in which the pilot program established under 1499
this section operates. The qualifying institution shall return 1500
to the chancellor any grant amount remaining after a participant 1501
graduates or disenrolls from the institution, or after the pilot 1502
program established under this section ceases to operate. 1503

(E) In each academic year in which the pilot program 1504
established under this section operates, the chancellor shall 1505
submit to the general assembly, in accordance with section 1506
101.68 of the Revised Code, a report that contains all of the 1507
following: 1508

(1) The number of eligible students participating in the 1509
pilot program established under this section who received a 1510
grant under the program in that academic year; 1511

(2) The state universities from which the participants 1512
disenrolled, as described in division (A)(2)(c) of this section; 1513

(3) The types of academic programs in which the 1514
participants were enrolled prior to disenrolling from state 1515
universities; 1516

(4) The types of academic programs in which participants 1517
were enrolled when they received grants under the pilot program; 1518

(5) Information regarding how the grants were used. 1519

(F) The second chance grant pilot program fund is hereby 1520

created in the state treasury, to consist of such amounts 1521
designated for the purposes of the fund by the general assembly. 1522
The fund shall be administered by the chancellor and shall be 1523
used to pay grants under the pilot program established under 1524
this section. The fund also may be used by the chancellor to 1525
implement and administer the second chance grant pilot program. 1526

(G) The chancellor shall adopt rules to administer the 1527
pilot program established under this section. 1528

Sec. 3333.168. (A) As used in this section: 1529

(1) "Community college" means a community college 1530
established under Chapter 3345., a technical college established 1531
under Chapter 3357., or a state community college established 1532
under Chapter 3358. of the Revised Code. 1533

(2) "Dual enrollment" means concurrent enrollment by an 1534
individual at both a state university and a community college. 1535

(3) "Guaranteed pathway" means an articulation or transfer 1536
agreement included in the initiative established under this 1537
section that a state university and community college enter into 1538
in accordance with the policies and procedures adopted under 1539
section 3333.16 of the Revised Code. 1540

(4) "Joint academic programming" means a structured 1541
pathway curriculum agreement that permits an individual to 1542
attain a specific degree that has been jointly developed by at 1543
least one community college and at least one state university. 1544

(5) "State university" has the same meaning as in section 1545
3345.011 of the Revised Code. 1546

(B) Pursuant to section 3333.16 of the Revised Code, the 1547
chancellor of higher education shall establish the Ohio 1548

guaranteed transfer pathways initiative. Each state university 1549
shall participate in the initiative. Under the initiative, a 1550
student shall be permitted to do both of the following: 1551

(1) Complete an associate's degree at a community college 1552
and transfer those credits to a state university to continue 1553
making progress toward a bachelor's degree; 1554

(2) Transfer credits from a community college to a state 1555
university, regardless of the geographic proximity between the 1556
college and university. 1557

(C) Each state university shall enter into agreements with 1558
multiple community colleges to establish both joint academic 1559
programming and dual enrollment opportunities to assist students 1560
in completing their degrees in a timely and cost-effective 1561
manner. 1562

(D) Each community college and state university annually 1563
shall report to the Ohio articulation and transfer network 1564
oversight board established by the chancellor the number of 1565
guaranteed pathways and joint academic programming or dual 1566
enrollment opportunities the college or university offers. The 1567
oversight board shall compile that reported information and 1568
provide a summary of it to the chancellor. That summary shall 1569
include both of the following: 1570

(1) Confirmation that each community college and state 1571
university is in compliance with the requirements prescribed 1572
under this section; 1573

(2) Any recommendations necessary to enhance and 1574
strengthen the guaranteed pathways and joint academic 1575
programming or dual enrollment opportunities offered by 1576
community colleges and state universities. 1577

(E) The chancellor shall adopt rules to implement this 1578
section. 1579

Sec. 3345.024. (A) Beginning in the academic year that 1580
follows the effective date of this section, each state 1581
institution of higher education, as defined in section 3345.011 1582
of the Revised Code, annually shall prepare and post on its 1583
publicly accessible web site a report that includes all of the 1584
following information, to the extent practicable: 1585

(1) An itemized list of the estimated or actual charges of 1586
the instructional fees, general fees, special purpose fees, 1587
service charges, fines, and other fees or surcharges applicable 1588
to enrolled students; 1589

(2) The estimated or actual average cost of attendance; 1590

(3) Student degree completion rates; 1591

(4) Post-graduation student debt rates; 1592

(5) Post-graduation employment rates of students. 1593

The information prescribed in divisions (A) (3) to (5) of 1594
this section shall include the overall rates of the university 1595
or college, and rates disaggregated by degree, by student 1596
demographics, and by students who receive and do not receive 1597
Ohio college opportunity grants under section 3333.122 of the 1598
Revised Code, if applicable. For any rates involving post- 1599
graduation data, each state institution of higher education 1600
shall collect information from its alumni, as available. 1601

(B) Each state institution of higher education shall 1602
provide prospective students and their parents or guardians with 1603
a copy of the most recent report prepared under division (A) of 1604
this section. 1605

(C) Each state institution of higher education shall 1606
submit to the chancellor of higher education, in a form and 1607
manner prescribed by the chancellor, the data used to prepare a 1608
report prescribed under division (A) of this section. The 1609
chancellor shall use that data to prepare and issue an annual 1610
report that includes the information prescribed under divisions 1611
(A) (1) to (5) of this section for all state institutions of 1612
higher education. The chancellor shall submit each report the 1613
chancellor issues under this section to the general assembly in 1614
accordance with section 101.68 of the Revised Code. 1615

(D) The chancellor shall adopt rules to implement this 1616
section. 1617

Sec. 3345.027. A state institution of higher education, as 1618
defined in section 3345.011 of the Revised Code, shall not 1619
withhold a student's official transcripts from a potential 1620
employer because the student owes money to the institution, 1621
provided the student has authorized the transcripts to be sent 1622
to the employer and the employer affirms to the institution that 1623
the transcripts are a prerequisite of employment. 1624

Sec. 3345.028. No state institution of higher education, 1625
as defined in section 3345.011 of the Revised Code, shall charge 1626
an additional fee to a student for an employee of the 1627
university, or an entity contracting with the institution, to 1628
complete any academic activity associated with regular 1629
coursework, including grading student assignments. 1630

Sec. 3345.0212. (A) Except as permitted by this section 1631
and sections 3345.0213 and 3345.12 of the Revised Code, no state 1632
institution of higher education, or any of its administrators 1633
acting in their official capacity, shall prohibit any individual 1634
from engaging in noncommercial expressive activity on campus, so 1635

long as the individual's conduct is lawful and does not 1636
materially and substantially disrupt the functioning of the 1637
institution. 1638

(B) No state institution of higher education shall charge 1639
security fees to a student or a student group based on the 1640
content of their expression, the content of the expression of 1641
their invited guest, or the anticipated reaction to an invited 1642
guest's expression. 1643

(C) Each state institution of higher education shall do 1644
all of the following: 1645

(1) Adopt a policy on harassment that is consistent with 1646
and adheres strictly to its definition in section 3345.0211 of 1647
the Revised Code; 1648

(2) Make public in its handbook, on its web site, and in 1649
its orientation programs for students the policies, regulations, 1650
and expectations of students regarding free expression on 1651
campus, including the state institution's policy adopted under 1652
section 3345.0215 of the Revised Code; 1653

(3) Develop and distribute materials, programs, and 1654
procedures to individuals responsible for the education or 1655
discipline of students, such as administrators, campus police 1656
officers, residence life officials, and professors, to inform 1657
them of the policies, regulations, and duties of the institution 1658
regarding free expression on campus. 1659

(D) (1) Nothing in this section shall be interpreted as 1660
preventing state institutions of higher education from 1661
restricting expressive activities that the First Amendment to 1662
the United States Constitution or Article I, Sections 3 and 11 1663
of the Ohio Constitution does not protect. 1664

(2) Nothing in this section shall enable individuals to 1665
engage in conduct that intentionally, materially, and 1666
substantially disrupts another individual's expressive activity 1667
if it occurs in a campus space reserved for exclusive use or 1668
control of a particular individual or group. 1669

Sec. 3345.0215. (A) As used in this section: 1670

(1) "Constitutional time, place, and manner restrictions" 1671
means restrictions on the time, place, and manner of free speech 1672
that do not violate the First Amendment to the United States 1673
Constitution or Article I, Sections 3 and 11 of the Ohio 1674
Constitution that are reasonable, content- and viewpoint- 1675
neutral, narrowly tailored to satisfy a significant 1676
institutional interest, and leave open ample alternative 1677
channels for the communication of the information or message to 1678
its intended audience. 1679

(2) "Faculty" or "faculty member" means any person, 1680
whether or not the person is compensated by a state institution 1681
of higher education, and regardless of political affiliation, 1682
who is tasked with providing scholarship, academic research, or 1683
teaching. For purposes of this part, the term "faculty" includes 1684
tenured and nontenured professors, adjunct professors, visiting 1685
professors, lecturers, graduate student instructors, and those 1686
in comparable positions, however titled. For purposes of this 1687
section, the term "faculty" does not include persons whose 1688
primary responsibilities are administrative or managerial. 1689

(3) "Free speech" means speech, expression, or assemblies 1690
protected by the First Amendment to the United States 1691
Constitution or Article I, Sections 3 and 11 of the Ohio 1692
Constitution, verbal or written, including, but not limited to, 1693
all forms of peaceful assembly, protests, demonstrations, 1694

rallies, vigils, marches, public speaking, distribution of 1695
printed materials, carrying signs, displays, or circulating 1696
petitions. "Free speech" does not include the promotion, sale, 1697
or distribution of any product or service. 1698

(4) "State institution of higher education" has the same 1699
meaning as in section 3345.011 of the Revised Code. 1700

(5) "Student" has the same meaning as in section 3345.0211 1701
of the Revised Code, except that "student" also includes 1702
"student group." 1703

(6) "Student group" has the same meaning as in section 1704
3345.0211 of the Revised Code. 1705

(B) In addition to complying with sections 3345.0212 to 1706
3345.0214 of the Revised Code, each state institution of higher 1707
education board of trustees shall adopt a policy that affirms 1708
the following principles, which are the public policy of this 1709
state: 1710

(1) Students have a fundamental constitutional right to 1711
free speech. 1712

(2) A state institution of higher education shall be 1713
committed to giving students the broadest possible latitude to 1714
speak, write, listen, challenge, learn, and discuss any issue, 1715
subject to division (E) of this section. 1716

(3) A state institution of higher education shall be 1717
committed to maintaining a campus as a marketplace of ideas for 1718
all students and all faculty in which the free exchange of ideas 1719
is not to be suppressed because the ideas put forth are thought 1720
by some or even by most members of the institution's community 1721
to be offensive, unwise, immoral, indecent, disagreeable, 1722
conservative, liberal, traditional, radical, or wrong-headed. 1723

(4) It is for a state institution of higher education's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose. 1724
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(5) It is not the proper role of a state institution of higher education to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed. 1729
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(6) Although a state institution of higher education should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty. 1734
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(7) Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the campus of a state institution of higher education, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, a state institution of higher education has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom. 1741
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(8) A state institution of higher education shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and 1751
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all faculty, who shall always remain free to inquire, to study 1754
and to evaluate, and to gain new understanding. 1755

(9) The primary responsibility of faculty is to engage an 1756
honest, courageous, and persistent effort to search out and 1757
communicate the truth that lies in the areas of their 1758
competence. 1759

(C) Each board of trustees shall establish a process under 1760
which a student, student group, or faculty member may submit a 1761
complaint about an alleged violation by an employee of the state 1762
institution of higher education of the policy established under 1763
this section, including any penalty imposed on a student's grade 1764
for an assignment or coursework that is unrelated to ordinary 1765
academic standards of substance and relevance, including any 1766
legitimate pedagogical concerns, and is instead based on the 1767
contents of student's free speech. The process shall comply with 1768
standards adopted by the chancellor of higher education. 1769

Under the process, the state institution of higher 1770
education shall investigate the alleged violation and conduct a 1771
fair and impartial hearing regarding the alleged violation. If 1772
the hearing determines the state institution of higher 1773
education's policy was violated, the board of trustees shall 1774
determine a resolution to address the violation and prevent any 1775
further violation of the state institution of higher education's 1776
policy. 1777

(D) Each state institution of higher education annually 1778
shall report to the chancellor, in a form and manner prescribed 1779
by the chancellor, both of the following regarding complaints 1780
submitted in the academic year under the process prescribed 1781
under division (C) of this section: 1782

<u>(1) The total number of submitted complaints;</u>	1783
<u>(2) For each submitted complaint, a description of all of the following:</u>	1784
<u>(a) The state institution's investigation regarding the complaint;</u>	1785
<u>(a) The state institution's investigation regarding the complaint;</u>	1786
<u>(a) The state institution's investigation regarding the complaint;</u>	1787
<u>(b) The outcome of the hearing conducted by the state institution regarding the complaint;</u>	1788
<u>(b) The outcome of the hearing conducted by the state institution regarding the complaint;</u>	1789
<u>(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.</u>	1790
<u>(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.</u>	1791
<u>(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.</u>	1792
<u>(E) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:</u>	1793
<u>(E) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:</u>	1794
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<u>(E) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:</u>	1796
<u>(E) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:</u>	1797
<u>(1) Constitutional time, place, and manner restrictions;</u>	1798
<u>(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;</u>	1799
<u>(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;</u>	1800
<u>(3) Restricting the use of the state institution's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the institution's mission;</u>	1801
<u>(3) Restricting the use of the state institution's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the institution's mission;</u>	1802
<u>(3) Restricting the use of the state institution's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the institution's mission;</u>	1803
<u>(3) Restricting the use of the state institution's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the institution's mission;</u>	1804
<u>(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;</u>	1805
<u>(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;</u>	1806
<u>(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;</u>	1807
<u>(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;</u>	1808
<u>(5) Content restrictions on speech that are reasonably</u>	1809

related to a legitimate pedagogical purpose, such as classroom 1810
rules enacted by teachers. 1811

(F) Nothing in this section shall be construed to grant 1812
students the right to disrupt previously scheduled or reserved 1813
activities occurring in a traditional public forum. 1814

Sec. 3345.063. (A) As used in this section: 1815

(1) "Ohio resident" has the same meaning as in section 1816
3333.0419 of the Revised Code. 1817

(2) "State university" has the same meaning as in section 1818
3345.011 of the Revised Code. 1819

(B) Each state university shall endeavor to avoid 1820
prioritizing the admission of an applicant who is not an Ohio 1821
resident over an applicant who is an Ohio resident if both 1822
applicants apply in the same general timeframe, as determined by 1823
the university, and have substantially similar qualifications 1824
that satisfy the university's admissions criteria. To the extent 1825
practicable, a state university shall ensure that Ohio resident 1826
applicants are given ample and sufficient opportunity to be 1827
admitted, as compared to applicants who are not Ohio residents, 1828
if the Ohio resident applicants satisfy the university's 1829
admissions criteria. 1830

Sec. 3345.21. The board of trustees of any college or 1831
university which receives any state funds in support thereof, 1832
shall regulate the use of the grounds, buildings, equipment, and 1833
facilities of such college or university and the conduct of the 1834
students, staff, faculty, and visitors to the campus so that law 1835
and order are maintained and the college or university may 1836
pursue its educational objectives and programs in an orderly 1837
manner. 1838

The board of trustees of each such college or university 1839
shall adopt rules for the conduct of the students, faculty, 1840
visitors, and staff, and may provide for the ejection from 1841
college or university property, suspension or expulsion of a 1842
person who violates such regulations. All such rules shall be 1843
published in a manner reasonably designed to come to the 1844
attention of, and be available to, all faculty, staff, visitors, 1845
and students. 1846

The board of trustees shall provide for the administration 1847
and enforcement of its rules and may authorize the use of state 1848
university law enforcement officers provided for in section 1849
3345.04 of the Revised Code to assist in enforcing the rules and 1850
the law on the campus of the college or university. The board of 1851
trustees, or appropriate officials of such college or university 1852
when the authority to do so has been delegated by the board of 1853
trustees, may seek the assistance of other appropriate law 1854
enforcement officers to enforce the rules and to enforce laws 1855
for the preservation of good order on the campus, and to prevent 1856
the disruption of the educational functions of the college or 1857
university. 1858

In accordance with ~~section~~ sections 3345.0213 and 1859
3345.0215 of the Revised Code, the rules of the board of 1860
trustees shall not restrict freedom of speech nor the right of 1861
persons on the campus to assemble peacefully. 1862

Sec. 3345.241. Except as provided in sections 3345.22 to 1863
3345.24 of the Revised Code, a state university, as defined in 1864
section 3345.011 of the Revised Code, shall provide a student 1865
who is subject to a disciplinary action by the university with a 1866
notice of the disciplinary action, the reasons for that 1867
disciplinary action, and the student's right to appeal the 1868

disciplinary action under this section. If the student elects to 1869
appeal the disciplinary action, the state university shall 1870
afford the student with a fair and impartial hearing within a 1871
reasonable time thereafter under regular procedures of the state 1872
university. 1873

Sec. 3345.381. A state institution of higher education, as 1874
defined in section 3345.011 of the Revised Code, shall accept 1875
and provide credit for coursework in the same manner across all 1876
instructional models, except in the case of courses that require 1877
in-person observations and experiences, such as laboratories and 1878
clinicals, which may necessitate instruction through an in- 1879
person component rather than online instruction. 1880

Sec. 3345.461. A state institution of higher education, as 1881
defined in section 3345.011 of the Revised Code, shall not 1882
charge more in general and instructional fees for an online 1883
course than for a course taught in an in-person, classroom 1884
setting. Special fees charged for an online course at a state 1885
institution of higher education, if applicable, shall be based 1886
on the actual demonstrated cost incurred by the institution to 1887
provide those courses. 1888

Sec. 3345.481. (A) As used in this section: 1889

(1) "Eligible student" means an undergraduate student 1890
enrolled in a bachelor's degree program at a state institution 1891
of higher education. 1892

(2) "~~Final-year~~ two academic years" means the last two 1893
academic year-years of full-time study that a bachelor's degree 1894
program is typically designed to require, as determined by the 1895
chancellor of higher education. 1896

(3) "Requisite course" means a course that is necessary to 1897

complete an eligible student's bachelor's degree program, but 1898
that is not a general elective. 1899

~~(3)~~ (4) "State institution of higher education" has the 1900
same meaning as in section 3345.011 of the Revised Code. 1901

(B) The board of trustees of a state institution of higher 1902
education shall ~~waive an eligible student's general and~~ 1903
~~instructional fees for a course necessary to complete the~~ 1904
~~student's bachelor's degree program if~~ provide an eligible 1905
student with an accommodation prescribed under division (C) of 1906
this section if that student was unable to register for a 1907
requisite course in one of the student's final two academic 1908
years and all of the following apply: 1909

(1) ~~The necessary course is not a general elective~~ 1910
eligible student has not completed the requisite course prior to 1911
that academic year. 1912

(2) The eligible student was enrolled full time, as 1913
defined by the chancellor, in ~~the student's final year~~ that 1914
academic year. 1915

(3) The eligible student was unable to register for the 1916
~~necessary~~ requisite course in the student's final that academic 1917
year because of either of the following: 1918

(a) The course was not offered by the state institution of 1919
higher education ~~in the eligible student's final year.~~ 1920

(b) Circumstances beyond the eligible student's control 1921
made registration for the ~~necessary~~ course unfeasible, as 1922
determined by the chancellor. 1923

(4) The eligible student successfully paid all general and 1924
instructional fees and did not receive a refund for the courses 1925

for which the student registered in ~~the student's final~~ that 1926
academic year at the start of that year. 1927

~~(5) The eligible student successfully registers for the~~ 1928
~~necessary course in the next academic year in which the course~~ 1929
~~is offered.~~ 1930

~~(6)~~ The eligible student did not enroll in the maximum 1931
amount of credit hours in ~~the student's final~~ that academic 1932
year, as determined by the state institution of higher 1933
education. 1934

(C) ~~Qualifying for~~ A board of trustees shall offer an 1935
eligible student described in division (B) of this section one 1936
of the following accommodations: 1937

(1) The board of trustees shall waive the eligible 1938
student's general and instructional fees for the requisite 1939
course if the student successfully registers for that course in 1940
the next academic year in which the course is offered. However, 1941
a waiver of fees ~~under division (B) of this section~~ shall not 1942
grant an eligible student guaranteed or priority registration 1943
for ~~the necessary~~ that course described in that division. 1944

(2) The board of trustees shall reimburse the eligible 1945
student for any general and instructional fees the student paid 1946
in order to register for a course equivalent to the requisite 1947
course that is offered by an institution of higher education 1948
with a similar accreditation. To qualify for a reimbursement, 1949
the student must have registered for the equivalent course in 1950
the academic year in which the student was unable to register 1951
for the requisite course. 1952

(3) The board of trustees shall permit the eligible 1953
student to complete an independent study that meets specified 1954

guidelines in lieu of the requisite course in order to meet the 1955
requirements of the student's bachelor's degree program. 1956

(D) The chancellor shall establish rules to implement this 1957
section. 1958

Sec. 3345.52. Prior to the commencement of a capital 1959
facilities project involving state capital appropriations for 1960
the construction, reconstruction, improvement, renovation, 1961
enlargement, or alteration of a public improvement within the 1962
jurisdiction of a state institution of higher education, as 1963
defined in section 3345.011 of the Revised Code, the board of 1964
trustees of that institution shall submit to the chancellor of 1965
higher education a written statement explaining how the project 1966
advances the master plan for higher education prescribed by 1967
section 3333.04 of the Revised Code. 1968

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of 1969
the Revised Code: 1970

(A) "Community college district" means a political 1971
subdivision of the state and a body corporate with all the 1972
powers of a corporation, comprised of the territory of one or 1973
more contiguous counties having together a total population of 1974
not less than seventy-five thousand preceding the establishment 1975
of such district, and organized for the purpose of establishing, 1976
owning, and operating a community college within the territory 1977
of such district. 1978

(B) "Contiguous counties" means counties so located that 1979
each such county shares at least one boundary in common with at 1980
least one other such county in the group of counties referred to 1981
as being "contiguous." 1982

(C) "Community college" means a public institution of 1983

education beyond the high school organized for the principal 1984
purpose of providing for the people of the community college 1985
district wherein such college is situated the instructional 1986
programs defined in this section as "arts and sciences" and 1987
"technical," or either, and may include the "adult-education" 1988
program as defined in this section. Except for applied 1989
bachelor's degree programs or nursing bachelor's degree programs 1990
approved by the chancellor of higher education under section 1991
3333.051 of the Revised Code, instructional programs shall not 1992
exceed two years in duration. 1993

A university maintained and operated by a municipality 1994
located in a county having a total population equal to the 1995
requirement for a community college district as set forth in 1996
division (A) of section 3354.01 of the Revised Code and is found 1997
by the chancellor of higher education to offer instructional 1998
programs which are needed in the community and which are 1999
equivalent to those required of community colleges shall be, for 2000
the purposes of receiving state or federal financial aid only, 2001
considered a community college and shall receive the same state 2002
financial assistance granted to community colleges but only in 2003
respect to students enrolled in their first and second year of 2004
post high school education in the kinds of instructional 2005
programs offered by the municipal university. 2006

(D) "Arts and sciences program" means both of the 2007
following: 2008

(1) A curricular program of two years or less duration, 2009
provided within a community college, planned and intended to 2010
enable students to gain academic credit for courses generally 2011
comparable to courses offered in the first two years in 2012
accredited colleges and universities in the state, and designed 2013

either to enable students to transfer to such colleges and 2014
universities for the purpose of earning baccalaureate degrees or 2015
to enable students to terminate academic study after two years 2016
with a proportionate recognition of academic achievement. 2017

(2) An applied bachelor's degree program or a nursing 2018
bachelor's degree program approved and offered under section 2019
3333.051 of the Revised Code. 2020

(E) "Adult-education program" means the dissemination of 2021
post high school educational service and knowledge, by a 2022
community college, for the occupational, cultural, or general 2023
educational benefit of adult persons, such educational service 2024
and knowledge not being offered for the primary purpose of 2025
enabling such persons to obtain academic credit or other formal 2026
academic recognition. 2027

(F) "Charter amendment" means a change in the official 2028
plan of a community college for the purpose of acquiring 2029
additional lands or structures, disposing of or transferring 2030
lands or structures, erection of structures, or creating or 2031
abolishing of one or more academic departments corresponding to 2032
generally recognized fields of academic study. 2033

(G) "Technical program" means a post high school 2034
curricular program of two years or less duration, provided 2035
within a community college, planned and intended to enable 2036
students to gain academic credit for courses designed to prepare 2037
such students to meet the occupational requirements of the 2038
community. 2039

(H) "Operating costs" means all expenses for all purposes 2040
of the community college district except expenditures for 2041
permanent improvements having an estimated life of usefulness of 2042

five years or more as certified by the fiscal officer of the 2043
community college district. 2044

(I) "Applied bachelor's degree" has the same meaning as in 2045
section 3333.051 of the Revised Code. 2046

Sec. 3357.09. The board of trustees of a technical college 2047
district may: 2048

(A) Own and operate a technical college, pursuant to an 2049
official plan prepared and approved in accordance with section 2050
3357.07 of the Revised Code; 2051

(B) Hold, encumber, control, acquire by donation, 2052
purchase, or condemnation, construct, own, lease, use, and sell, 2053
real and personal property as necessary for the conduct of the 2054
program of the technical college on whatever terms and for 2055
whatever consideration may be appropriate for the purposes of 2056
the institution; 2057

(C) Accept gifts, grants, bequests, and devises absolutely 2058
or in trust for support of the technical college; 2059

(D) Appoint the president, faculty, and such other 2060
employees as necessary and proper for such technical college, 2061
and fix their compensation; 2062

(E) Provide for a technical college necessary lands, 2063
buildings or other structures, equipment, means, and appliances; 2064

(F) Develop and adopt, pursuant to the official plan, any 2065
one or more of the curricular programs identified in section 2066
3357.01 of the Revised Code as technical-college programs, or 2067
adult-education technical programs, and applied bachelor's 2068
degree programs or nursing bachelor's degree programs under 2069
section 3333.051 of the Revised Code; 2070

(G) Except as provided in sections 3333.17 and 3333.32 of 2071
the Revised Code, establish schedules of fees and tuition for: 2072
students who are residents of the district; students who are 2073
residents of Ohio but not of the district; students who are 2074
nonresidents of Ohio. The establishment of rules governing the 2075
determination of residence shall be subject to approval of the 2076
chancellor of higher education. Students who are nonresidents of 2077
Ohio shall be required to pay higher rates of fees and tuition 2078
than the rates required of students who are residents of Ohio 2079
but not of the district, and students who are residents of the 2080
district shall pay smaller tuition and fee rates than the rates 2081
for either of the above categories of nonresident students, 2082
except that students who are residents of Ohio but not of the 2083
district shall be required to pay higher fees and tuition than 2084
students who are residents of the district only when a district 2085
tax levy has been adopted and is in effect under the authority 2086
of section 3357.11, 5705.19, or 5705.191 of the Revised Code. 2087

(H) Authorize, approve, ratify, or confirm, with approval 2088
of the chancellor, any agreement with the United States 2089
government, acting through any agency designated to aid in the 2090
financing of technical college projects, or with any person, 2091
organization, or agency offering grants-in-aid for technical 2092
college facilities or operation; 2093

(I) Receive assistance for the cost of equipment and for 2094
the operation of such technical colleges from moneys 2095
appropriated for technical education or for matching of Title 2096
VIII of the "National Defense Education Act," 72 Stat. 1597 2097
(1958), 20 U.S.C.A. 15a-15e. Moneys shall be distributed by the 2098
chancellor in accordance with rules which the board shall 2099
establish governing its allocations to technical colleges 2100
chartered under section 3357.07 of the Revised Code. 2101

(J) Grant appropriate associate degrees to students 2102
successfully completing the technical college programs, 2103
appropriate applied bachelor's degrees to students successfully 2104
completing applied bachelor's degree programs, or appropriate 2105
nursing bachelor's degrees to students successfully completing 2106
nursing bachelor's degrees programs offered pursuant to section 2107
3333.051 of the Revised Code, and certificates of achievement to 2108
those students who complete other programs; 2109

(K) Prescribe rules for the effective operation of a 2110
technical college, and exercise such other powers as are 2111
necessary for the efficient management of such college; 2112

(L) Enter into contracts and conduct technical college 2113
programs or technical courses outside the technical college 2114
district; 2115

(M) Enter into contracts with the board of education of 2116
any local, exempted village, or city school district or the 2117
governing board of any educational service center to permit the 2118
school district or service center to use the facilities of the 2119
technical college district; 2120

(N) Designate one or more employees of the institution as 2121
state university law enforcement officers, to serve and have 2122
duties as prescribed in section 3345.04 of the Revised Code; 2123

(O) Subject to the approval of the chancellor, offer 2124
technical college programs or technical courses for credit at 2125
locations outside the technical college district. For purposes 2126
of computing state aid, students enrolled in such courses shall 2127
be deemed to be students enrolled in programs and courses at 2128
off-campus locations in the district. 2129

(P) Purchase a policy or policies of liability insurance 2130

from an insurer or insurers licensed to do business in this 2131
state insuring its members, officers, and employees against all 2132
civil liability arising from an act or omission by the member, 2133
officer, or employee, when the member, officer, or employee is 2134
not acting manifestly outside the scope of the member's, 2135
officer's, or employee's employment or official responsibilities 2136
with the institution, with malicious purpose or bad faith, or in 2137
a wanton or reckless manner, or may otherwise provide for the 2138
indemnification of such persons against such liability. All or 2139
any portion of the cost, premium, or charge for such a policy or 2140
policies or indemnification payment may be paid from any funds 2141
under the institution's control. The policy or policies of 2142
liability insurance or the indemnification policy of the 2143
institution may cover any risks including, but not limited to, 2144
damages resulting from injury to property or person, 2145
professional liability, and other special risks, including legal 2146
fees and expenses incurred in the defense or settlement of 2147
claims for such damages. 2148

Any instrument by which real property is acquired pursuant 2149
to this section shall identify the agency of the state that has 2150
the use and benefit of the real property as specified in section 2151
5301.012 of the Revised Code. 2152

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of 2153
the Revised Code: 2154

(A) "State community college district" means a political 2155
subdivision composed of the territory of a county, or of two or 2156
more contiguous counties, in either case having a total 2157
population of at least one hundred fifty thousand, and organized 2158
for the purpose of establishing, owning, and operating a state 2159
community college within the district or a political subdivision 2160

created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs or nursing bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

(F) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3365.16. (A) As used in this section:

(1) "Eligible student" means an Ohio resident who is enrolled in a public secondary school or a chartered nonpublic secondary school and is at least sixteen years of age.

(2) "Apprenticeship program" means any apprenticeship program that is certified or registered by the United States department of labor.

(B) There is hereby created a subprogram of the college credit plus program under which, beginning with the 2022-2023 school year, an eligible student may participate in an apprenticeship program not offered by the student's secondary school. The subprogram shall operate in accordance with rules adopted under division (C) of this section.

(C) Not later than December 31, 2021, the chancellor of higher education and the superintendent of public instruction, in consultation with the director of development services and the administrator of workers' compensation, shall develop a proposal to implement the subprogram as prescribed by this section and submit it to the state board of education for consideration. The proposal shall include recommendations on which requirements of the college credit plus program should apply to the subprogram. Not later than June 30, 2022, upon consideration of that proposal, the state board shall adopt

rules, in accordance with Chapter 119. of the Revised Code, to 2220
implement the subprogram. The rules shall include at least all 2221
of the following: 2222

(1) Requirements that a student must fulfill in order to 2223
participate in the subprogram, including a minimum grade point 2224
average of 2.5 out of a 4.0, or its equivalent; 2225

(2) A process by which a student may secure an 2226
apprenticeship; 2227

(3) A process for approval of each student's 2228
apprenticeship, including a method for evaluating the 2229
educational benefits of the apprenticeship; 2230

(4) A stipulation of the maximum number of hours per week 2231
a student may work as an apprentice; 2232

(5) A method for determining actual costs to a business 2233
for participation in the subprogram, including workers' 2234
compensation and other insurance costs and training costs; 2235

(6) A funding formula for students enrolled in a public 2236
secondary school, including a maximum amount, to pay businesses 2237
for costs associated with employing students under the 2238
subprogram. The amount paid for each student participating in 2239
the subprogram shall be deducted from the school foundation 2240
payments made to the participant's school district or, if the 2241
participant is enrolled in a community school, a STEM school, or 2242
a college-preparatory boarding school, from the payments made to 2243
that school under section 3314.08, 3326.33, or 3328.34 of the 2244
Revised Code. 2245

(7) A funding formula for students enrolled in a chartered 2246
nonpublic secondary school, including a maximum amount, to pay 2247
businesses for costs associated with employing students under 2248

the subprogram. The amount paid for each student participating 2249
in the subprogram shall be subtracted from moneys specifically 2250
appropriated by the general assembly for such purpose. 2251

(8) The method for making payments to participating 2252
businesses; 2253

(9) A method by which credits for a certificate or 2254
certificates earned in an apprenticeship under the subprogram 2255
may transfer for college credit. Each college shall determine 2256
whether or not to accept work credits under the subprogram. 2257

Section 2. That existing sections 9.76, 1715.51, 1715.53, 2258
3313.6020, 3314.03, 3326.11, 3328.24, 3333.04, 3333.051, 2259
3333.122, 3345.0212, 3345.21, 3345.481, 3354.01, 3357.09, and 2260
3358.01 of the Revised Code are hereby repealed. 2261

Section 3. Upon receipt of funds from the federal 2262
"Coronavirus Aid, Relief, and Economic Security Act," Pub. L. 2263
No. 116-136, and after payments from those funds are made 2264
pursuant to required higher education priorities, the Chancellor 2265
of Higher Education shall, to the extent permitted by federal 2266
law, distribute any unused funds to state-supported community 2267
colleges, state community colleges, and technical colleges to 2268
provide support to students enrolled in a program that may be 2269
completed in less than one year and for which a certificate or 2270
industry-recognized credential is awarded in an in-demand job. 2271

Section 4. The General Assembly, applying the principle 2272
stated in division (B) of section 1.52 of the Revised Code that 2273
amendments are to be harmonized if reasonably capable of 2274
simultaneous operation, finds that the following sections, 2275
presented in this act as composites of the sections as amended 2276
by the acts indicated, are the resulting versions of the 2277

sections in effect prior to the effective date of the sections	2278
as presented in this act:	2279
Section 3314.03 of the Revised Code as amended by H.B.	2280
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	2281
89, all of the 133rd General Assembly.	2282
Section 3326.11 of the Revised Code as amended by H.B.	2283
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	2284
General Assembly.	2285
Section 3328.24 of the Revised Code as amended by H.B.	2286
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	2287
General Assembly.	2288